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AUG 22 2002
Department of Water Resources
Eastern Region

Mr. Norman C. Young
Ms Sharla Cox
Idaho Department of Water Resources
900 N. Skyline Dr. # A
Idaho Falls, Id 83402

Dear Mr Young and Ms Cox

We are in receipt of your letter and preliminary order of August 12, 2002.

Please accept this letter as our formal protest of your letter and order, not that we choose to be difficult or indifferent, but that the facts are misunderstood.

We would^{Wish} to cooperate with the department if all the facts are understood about the Tanner-Bell drain.

Fact Number One. The Tanner-Bell Drain is just what its name says it is. It is a drainage ditch. It drains excess irrigation water off the Northwest Quadrant of Preston City. It is not a stream, a river, or a creek, its a ditch.

Fact Number Two. The flow in the Tanner Bell drain is contingent on excess flood irrigation water. That flow over the last 15 years has dropped continuously as more farmers have gone to sprinkler irrigation.

Fact Number Three: Preston Mink Creek and Preston Whitney Canal companies have just begun construction of a pressurized system, which will eliminate the canal and all flood irrigating, seepage, and ground water as a result of the canal, as it will no longer exist by the Spring of 2003.

Fact Number Four: According to your records, we are entitled to 3.92 CFS of water out of the Tanner-Bell Drain, this drain rarely runs 3.92 CFS at present with some flood irrigating above the drain. With the elimination of flood irrigating, it is anticipated that the flow will drop to near nothing as the Canal Companies have eliminated the Canal. Much of the water in the Tanner-Bell drain in the past has been our water stock in the Canal Companies being dumped into the drain to be transported down stream as the Tanner Bell drain does not provide the permitted 3.92 CFS, so we have had to supplement the flow with our water stock in the canal companies.

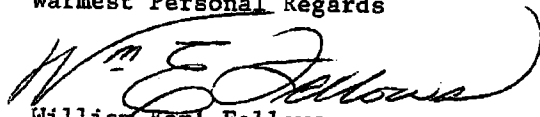
Fact Number Five: At the diversion point in the Drain, we presently have an intake pipe 8" in diameter, at maximum it can only pull 1.5 CFS. We are entitled to much more than that. Having watched this drain over the past 20 years, it does not even provide enough water to fill our right. By all rights, we are entitled to the entire stream flow.

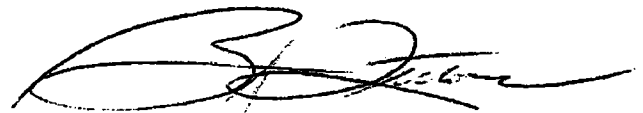
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Fact Number Six. We do have a lockable headgate.

Based on these fact, we ask for a reconsideration, as we have already begun exploring alternative sources of water, because we anticipate the elimination of the canal will virtually eliminate the flow in the tanner bell drain. It seems somewhat burdensome to install the devises requested in a drain that will not have much if any flow, and certainly will not flow even enough to fill our water right.

Warmest Personal Regards


William Earl Fellows
1022 North 1400 West
Preston, Id 83263


Bob R. Fellows
1086 North 1400 West
Preston, Id 83263

cc. Kent Foster, Holden, Kidwell, Hahn and Crapo